J.7.49-98

(12)

G. R. S. IX-5]

Previous references. police 820/03 1903-04 ~~191~~ (police)

File No. 83.

Serial Nos. 1-2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

M ~~Part~~ B for

SUBJECT.

Exemption of Bababudan Swamy from the provisions of the Arms Regulation

---

Communicated Judicial Dept

W D 58—GPB—50,000—24-7-16

1902-03

GOVERNMENT OF MYSORE

MUZRAI

PROCEEDINGS

Dated 24th November 1902

No. 1159
Muz. F. 33.01

Recognizing the succession of Syed Mrutyuza Sha Khadri (son of Syed Meeran Sha Khadri) as Sajjade or Manager of Guru Dattathreya Bababudanswami's Darga at Chikmagalur.

SBP—8.12-02—200

2

Proceedings of the Government of His Highness the Maharaja of Mysore,

READ THE FOLLOWING—

(i) Government Order No. 1366, dated 6th September 1887, directing that Government are prepared to recognize the succession to the management of Guru Dattathreya Bababudanswami's Darga, of Syed Mrutyuza Sha Khadri, whom the late Syed Gows Sha Khadri, Khan Bahadur, proposed to adopt.

(ii) Petition Registered No. 320, dated 23rd September 1901, from Syed Ali Hussein Sha Khadri, Agent of the Dattathreya Peeta, reporting the death of Sajjade or Manager Syed Gouse Sha Khadri, Khan Bahadur.

and (iii) The following letter No. 1450, dated 15th March 1902, from the Deputy Commissioner, Kadur District, reporting on the above :—

"With reference to your docket No. 657 of the 15th November 1901, calling for a report on certain points in the matter of a petition from Shali Hussein Sha Khadri, agent of the Dattatherya Peeta Bababudan Darga in the Chikmagalur Taluk, anent the succession of Syed Mrutyuza Sha Khadri, to the place of Khan Bahadur Gowse Sha Khadri (deceased), I have the honor to state as follows :—

1. The late Sajjade Khan Bahadur Gouse Sha Khadri died at Bangalore on the 17th September 1901.

2. The said Khan Bahadur Gouse Sha Khadri is stated to be entitled to the insignia mentioned in the list presented by the Agent under date 23rd December 1901, (vide paper No. 17 in the accompanying file I of the vernacular papers). He had the title of Khan Bahadur conferred upon him by His Excellency the Viceroy on the occasion of the late Her Majesty's proclamation as Empress of India. He was also personally exempt from the operations of the provisions of the Arms Regulation and from personally appearing before Courts of Law.

3. The Sajjade elect (Syed Mrutyuza Sha Khadri) is stated to be aged about 32 years.

4. With regard to his qualifications to succeed to the vacant place of the late Gouse Sha Khadri, the statements recorded by the Amildar go to show that the Sajjade elect is well versed in Persian and Arabic, has studied Khoran and is in all respects competent to hold the office. The only allegation made against him was that his moral character was not above suspicion. A petition in the names of the holders of lands in the Suraguppe inam village attached to the Darga and headed by one Ajjegauda was received in this office, wherein some allegations were made about the improper conduct of the Sajjade elect with the daughter of a certain Moulvi living in the Suraguppe village. This is however flatly denied by the woman's brother himself, under whose protection she lives. Beyond the statement of the said Ajjegauda there is nothing forthcoming to raise any suspicion about the moral character of the Sajjade elect. Even the takrardars to the hak have made no such imputation.

5. The consent of disciples does not seem to be necessary in effecting a succession. For the resolution of the alleged recognition of the Sajjade elect by the late Khan Bahadur Gouse Sha Khadri, only the leading members of different communities, including some Mahomedans in and about Chikmagalur, were summoned, and in their presence a resolution was passed on the 4th November 1894. Neither the men then present, some of whom have been now examined by the Amildar, nor the two Mahomedans of Aldur, who styled themselves as disciples, have any objection to the succession by the Sajjade elect. The agent (petitioner) too has deposed that the consent of disciples is entirely immaterial. Further, the objection brought forward is only by the surviving members of the family to which the late Khan Bahadur Gouse Sha Khadri and the Sajjade elect belong. In their statements they maintain that they all have a joint hak to the place of the Sajjade at the Darga and consequently have a right to equally share profits from the division of the residue arising from the Inam lands and other sources of income to the Darga, after defraying the lawful charitable and religious expenses. These hakdars base their claim on an agreement executed to the surviving hakdars of the family by the late Khan Bahadur Gouse Sha Khadri in 1854. According to this it will appear that the several hakdars have powers to elect a competent person from amongst them upon his executing an agreement in the terms above quoted. The agent (petitioner) asserts that succession is not conditional with respect to executing any agreement, but neither he nor any body else interested in the succession of the Sajjade elect has denied or disproved the contents of the agreement. The statements now recorded by the Amildar go to show that in the election of 1894 the claimants objected. Further, the agreement relied on by the claimants have been admitted in evidence and is observed to have been impounded by the Collector of Stamps (Mr. Lindsay) in 1866.

6. Referring to the last para of the docket under reply, I beg to say that previous sanction of Government for the election has not been obtained. In the notice calling for a meeting in 1894 it is stated that the sanction of His Highness the Maharaja of Mysore was obtained, but neither such authority was referred to while then arriving at a decision nor was any produced in the course of the present enquiry. Again the statement of Gaizudin Sha Khadri, also an agent recognized by Government and one treated with the distinction of being exempt from the operations of the provisions of the Arms Regulation, leads to the conclusion that no sanction was obtained, for he states that ceremonies required to be observed subsequent to Government sanction have not yet taken place. The petitioner (agent) states